



News and Information

Alabama Board of Licensure for Professional Engineers & Land Surveyors

December 1999

The Board's Bulletin

Continuing Education — An Update

In 1993 the requirement for earning continuing education credits before renewing licenses became effective. Alabama became the second jurisdiction in the nation requiring continuing education for Engineers, following Iowa which had this requirement 14 years earlier. At that time about seven jurisdictions required continuing education for Land Surveyors. The Board did not seek or support this requirement but we found our state was very much in the spotlight as a result of this action.

When it became obvious that the Continuing Education requirement for engineers and land surveyors was to become a requirement and that the Board was to establish the policies and procedures, we immediately began investigating what other professions required. Also, we carefully studied the requirements of Iowa and the other states having mandatory continuing education for land surveyors. Meetings and interviews were held with engineering and land surveying organizations throughout the state to determine what suggestions and concerns were foremost in the minds of our licensees. Their comments were basically to keep it simple, keep it uniform (if other states followed suit), and let it be meaningful to the individual licensee.

After continuing education became effective, the number of licensees in Alabama dropped but has partially climbed back. The initial loss seemed to be from out-of-state licensees, retirees, and others whose employment did not require a license. As more and more states required continuing education, the numbers of licensees returning has increased and numbers have climbed as shown in this table.

Alabama Licensees

1993	12,869
1994	11,469
1995	11,270
1996	11,311
1997	11,509
1998	11,633
1999	11,782

The Board is of the opinion that the continuing education program has been successful in meeting the requests of our licensees. Since we are active in the

National Council
of Examiners for
Engineering and
Surveying

(NCEES) our requirements became influential in the preparation of the NCEES published model rule. The NCEES model has been essentially adopted by many states. There is great flexibility in subjects and qualifying types of instruction that meet the professional development hour (PDH) requirements.

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Disciplinary Action

The Board office received 54 complaints in the period from October 1, 1998 through September 30, 1999 and 12 complaints from prior years were carried forward. Of these 66 complaints, the Board had five formal disciplinary actions concerning licensees and two formal disciplinary actions concerning non-licensees. Of the 59 remaining complaints, 36 were handled administratively by the Board and 23 were carried forward into the next year. Administrative actions included letters of warning, and cease and desist letters. As a result of Board actions, three certificates of authorization were filed, two firms changed their names to comply with the law, three individuals changed their titles to comply with the law, one licensee repaid his client, one licensee provided a corrected survey to his client, and one licensee was cautioned about comments that impact negatively on another licensee's reputation when stating an opinion.

Formal Disciplinary Actions

Delinquent Certificates of Authorization

William A. Cobb, PE 13034, Bill Cobb & Associates, Inc., Birmingham, AL, agreed to a consent order which was accepted by the Board on June 25, 1999 for offering to practice engineering with a delinquent 1999 certificate of authorization. He agreed to a fine of \$300; \$100 per month for each month the certificate was delinquent.

Joseph E. Nall, PE 19362, Precision Controls, Inc., Saraland, AL, agreed to a consent order which was accepted by the Board on June 25, 1999 for offering to practice engineering with a delinquent 1999 certificate of authorization. He agreed to a fine of \$300; \$100 per month for each month the certificate was delinquent.

Misconduct

Curtis T. Pierce, PE/PLS 16175, Montgomery, AL, agreed to a consent order which was accepted by the Board on June 25, 1999, for failing to provide a certified survey plat and percolation test results after being paid. He agreed to a fine of \$1,000, repaid the client \$800, stayed suspension, and three years probation.

William A. Blevins, PE/PLS 1443, Huntsville, AL, agreed to a consent order which was accepted by the Board on June 25, 1999, for completing the foundation plan for a bowling alley several weeks after the foundation was built. He agreed to a fine of \$500, stayed suspension, and two years probation.

Robert W. Giles, PE 13094, Powell, Tennessee, agreed in a consent order to the revocation of his AL PE license due to his TN PE license being revoked as a result of misconduct on two TN engineering projects. The consent order was accepted by the Board on June 25, 1999.

James T. Weiss, Jr., PE 11868, Tuscaloosa, AL, agreed to a consent order which was accepted by the Board on November 5, 1999, for not being in responsible charge of an unlicensed individual who was offering and performing engineering services (percolation tests) which were certified by Mr. Weiss. He agreed to a fine of \$2,000, stayed suspension, and two years probation.

Unlicensed Practice

Laszlo F. Hary, Orion Environmental Consultants, Inc., Birmingham, AL agreed to a consent order which was accepted by the Board on November 6, 1998, for performing engineering services without being licensed. He agreed to a civil penalty of \$500, and to pay \$250 for the cost of the Board investigation.

Trenton D. Turk, Geo Survey, Ltd., Marietta, GA, agreed to a consent order which was accepted by the Board on April 30, 1999, for performing land surveying services without being licensed. He agreed to a civil penalty of \$1,000, and to pay \$235 for the cost of the Board investigation.

Ralph E. (Buddy) Sexton, Northport, AL, agreed to a consent order which was accepted by the Board on November 5, 1999, for performing engineering services (percolation tests) without being licensed. He agreed to a civil penalty of \$1,000, which was stayed contingent that he cease and desist offering and/or performing engineering services until becoming licensed with this Board.

Holiday Office Hours

*The Governor has declared the following
days state holidays.*

*December 23, 24, and 31, 1999
January 3, 2000*

License Fee or License Tax -- Do you know the Difference?

The Board of Licensure for Professional Engineers and Land Surveyors is authorized by the Code of Alabama 1975 to collect certain types of fees and fines. Two primary fees the board collects are the individual licensing fee and the certification of authorization fee for a business entity. The Board is not authorized, nor is it involved in the collection of any form of tax.

The tax issue is a very complicated one. The Board office is aware some county probate offices collect an annual license tax from certain categories of professional engineers. This tax is an Alabama state tax collected by the counties and is paid into the State General Fund and should not be confused with your licensee fee paid to this Board. Under certain circumstances municipalities and counties may also levy an occupational tax. Other monies collected by the municipalities include privilege or business licenses.

In March 1995 the Attorney General issued an opinion based on a request from Honorable James S. Clark, the then Speaker of the House of Representatives who asked:

“...whether engineering and/or land surveying firms are

required to purchase business licenses in municipalities where they do not maintain a physical place of business, but do provide professional services.”

The response was:

A municipality may not impose a municipal license tax on engineering and/or land surveying firms not having a place of business in the municipality, but providing professional services there, unless it can be shown that a sufficient nexus with city has been established., Stated differently, providing professional services in a city on a regular basis establishes a sufficient nexus for the imposition of a business privilege license.

The most recent inquiries to the Board office involve the actions being taken by the Jefferson County Revenue Department to begin collecting an occupation tax from professional engineers and land surveyors conducting business within Jefferson County. It is our understanding that Jefferson County is in the process of contacting licensees that reside in Jefferson County and the surrounding counties of this new requirement based on recent court orders. If you have any questions regarding this action, please contact the Jefferson County Revenue Department as the Board is not involved in this matter.

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Review of Work/Plans Performed for Cities

In some Alabama cities consulting engineers and engineering firms act as “City Engineer” in lieu of the cities hiring a full time “City Engineer.” There is no problem with a city contracting with a private licensed professional engineer or engineering firm to act as their “City Engineer.” A conflict of interest does arise when city engineers review and approve work/plans prepared by themselves, their companies, or their employees.

It is the opinion of the Alabama Attorney General that city engineers may not approve engineering plans prepared by that engineer’s firm acting in a private capacity. However, when the city engineer, acting in a private capacity, prepares plans which must be approved by the

city engineer, a city may hire another engineering firm, on a temporary basis, to approve such plans. It is the responsibility of the city, **not** the city engineer, to hire the temporary firm.

There should not be any difference, perceived or actual, in the review and approval process for a city engineer, acting in a private capacity, to that of any other engineer doing business with the city. At no time should there be or appear to be an unfair advantage to the city engineer.

In September the Board sent a letter to the mayors identifying this potential problem in an effort to avoid a possible enforcement action regarding ethics violations.

Continuing Education

continued from page 1

Several years ago, NCEES changed the term "Continuing Education" to "Continuing Professional Competency" or CPC. For the rest of this article, we shall use CPC rather than continuing education.

At the current time, a survey of jurisdictions by NCEES shows the following:

- 17 jurisdictions have mandatory CPC
- 5 indicate plans in the future for CPC
- 9 are studying whether or not to require CPC
- 15 have no current plans for CPC
- 4 have CPC requirements for land surveyors only.

The southeastern states currently having CPC include Alabama, Florida (land surveying only), Georgia, South Carolina, North Carolina, Louisiana, and Tennessee. Mississippi is studying the requirement and Kentucky will have mandatory CPC in 5 years.

The Board is pleased with the general acceptance of CPC and the results of our annual audits have been gratifying. However, there is an awareness that some organizations may not be correctly following the Administrative Code. Section 330-X-13-.02 (5) of the code lists qualifying criteria and then states: "All of such activities as described in (a) through (i) above must be relevant to the practice of engineering or land surveying and may include technical, ethical, or managerial content. The Board does not

preapprove or endorse any CPC activities. It is the responsibility of each licensee to assure that all PDH credits claimed meet the requirements as specified in 330-X-13.02." The Administrative Code then continues to describe the requirements that all activities must meet in order to qualify.

The Board has received reports of meetings of Engineering and/or Land Surveying Societies that are supposedly "awarding" PDH credits for just attending a normal meeting that may not have a program that meets the criteria. To qualify a program must be of technical, ethical, or managerial content and must be of at least 30 minutes of duration to qualify for 0.5 PDH. Just showing up for a regular meeting does not qualify unless such a program is presented. Organizations such as engineering or land surveying societies do not "award" anything. It is up to each licensee to assure that the program meets the requirements. Of course, when such a program is presented, the officials of the presenting organization can announce that, in their opinion, such a program should qualify for a certain amount of PDH credit. If this is announced, the person making such a statement should be thoroughly aware of the Code and feel assured the program meets the criteria.

We appreciate the acceptance and support of CPC requirements and welcome any of your comments or suggestions.

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Major Changes to the CPC Requirements

Changes to the Administrative Code went into effect October 28, 1998. Listed below are the major changes to the CPC requirements that were incorporated into that revision. Please refer to the Administrative Code for other changes.

*** All professional land surveyors are required to earn a minimum of six PDH credits by completing a Minimum Technical Standards for Land Surveyors course every **four** years. For example, for your license to be continued in 2001, renewals processed at the end of 2000, you must have completed a MTS course in 1997 or later.

*** All newly licensed professional land surveyors must complete a MTS course within 24 months, before or after, becoming licensed.

*** Only new licensees by way of examination are exempt from continuing education for renewal at the end of the first year. No longer are new licensees by way of comity exempt.

Year 2000 Board Meeting Dates

February 11, 2000	August 18, 2000
April 28, 2000	November 17, 2000
June 23, 2000	

YEAR IN REVIEW

**** Sunset Process Completed** – Every four years the Board's operation is reviewed by the Sunset Committee of the Alabama Legislature to determine if the Board should be continued. During this process, minor changes to the Licensure Law might be included in the legislation recommending continuation. Any major change requires separate legislation. On April 27, 1999 Governor Siegelman signed the Sunset Bill which extended the Board for another four years. The changes incorporated into the law were:

- Section 34-11-12. Deleted the five-year minimum wait requirement for reissuance of a license to an individual who has been convicted of a felony or entered a plea of guilty or nolo contendere to a felony. The other requirements for reissuance of a license remain unchanged. Before a license can be reissued, an individual's civil rights must have been restored prior to the Board's taking action and then it takes unanimous approval of the Board.
- Section 34-11-36. An additional sentence was added modifying the amount of money the Board can carry forward from one year to the next in the event the Board implements biennial licensing. The provision will allow an unlimited carryover of funds for the first year of the two year renewal cycle with a maximum of 25% carryover for the second year of the cycle.



**** 2000 Renewals -**

Notices for renewal of individual licenses and intern certificates were mailed early in October and the corporate certification of authorization renewal notices were mailed the end of November. If you did not receive your notice, please notify the Board office immediately.

One concern regarding the implementation of biennial renewals for individual licenses has been addressed with the change in the Licensure Law during the Sunset proceedings as outlined above. The Board has elected to postpone possible implementation of a biennial renewal cycle until after the renewals for 2000. The Board is seeking feedback from its licensees as to whether or not they want biennial renewals. If you have a preference about annual or biennial renewal, please let the Board office know. Our e-mail address is engineer@dsmd.dsmd.state.al.us.



not receive the roster and wish to have one, please contact the Board office.

**** Roster of Licensees** – The 1999 Roster of Licensees was sent in July to all those who requested a copy. The new procedure of providing a copy by request instead of sending one to all licensees reduced the number printed by almost half thus reducing the printing and mailing costs. If you did



**** FEMA News** – (obtained from the Alabama Emergency Management Agency)

The FEMA (Federal Emergency Management Agency) web site www.fema.gov/mit/tsd contains a wealth of information on FEMA flood maps. It includes a listing of approved software and links to obtain free copies of maps where available, forms and fees for requesting a map change or for requesting study back-up data, and a link to a list of training courses and conferences.

FEMA has introduced a new Elevation Certificate, FEMA Form 81-31. Use of the new form will be mandatory January 1, 2000 and is available from the FEMA Distribution Center. Contact the Alabama Emergency Management Agency for training.

1999 License Statistics

	In State	Out of State	Total
Renewals			
PE	4,734	5279	10,013
LS	536	229	765
PE/LS	304	59	363
Sub Total	5,575	5,567	11,141
New Licensees			
PE	190	421	611
LS	19	11	30
Sub Total	209	432	641
TOTAL	5,783	5,999	11,782

Exam Corner

Land Surveying Examinations – A professional activities and knowledges study by NCEES was completed for land surveying last year. Starting with the October 1999 exams, the Fundamentals of Land Surveying (FLS) and the Principles and Practice of Land Surveying (PLS) examinations have changed. The FLS examination is based on academic knowledge and contains 170 multiple-choice questions. The PLS examination will focus on the practical applications of surveying and will contain 100 multiple-choice questions.

Examination Test Dates - All examination dates, with the exception of the LS III examination, are set by NCEES. The Alabama Board cannot change these dates. To enable you to plan ahead the exam dates and filing dates for 2000 and the exam dates for the following five years are listed below.

2000 Exam and Filing Dates

Examination	Exam Date	Filing Deadline
Fundamentals of Engineering	Apr 15 Oct 28	Feb 14 Aug 28
Princs & Practice of Engineering	Apr 14 Oct 27	Feb 1 Aug 1
Fundamentals of Land Surveying	Apr 15 Oct 28	Feb 1 Aug 1
Princs & Practice of Land Surveying	Apr 14 Oct 27	Feb 1 Aug 1
Alabama Stand., History & Law	Feb 9 Apr 14 Aug 16 Oct 27	Feb 1 Feb 1 Aug 1 Aug 1

	<u>PE and PLS</u>	<u>FE and FLS</u>
2001	Apr 20, Oct 26	Apr 21, Oct 27
2002	Apr 19, Oct 25	Apr 20, Oct 26
2003	Apr 11, Oct 24	Apr 12, Oct 25
2004	Apr 16, Oct 29	Apr 17, Oct 30
2005	Apr 15, Oct 28	Apr 16, Oct 29

Materials allowed in the Test Room - For security reasons there has been a recent change on the types of material allowed in the examination room. Listed below are the general requirements:

* Battery-operated, silent, non-printing, and non-communicating calculators are permitted. (Calculators with limited range infrared ports are permitted.)

* Calculating and computing devices having a QWERTY keypad arrangement similar to a typewriter or keyboard are not permitted. Such devices include but are not limited to palmtop, laptop, handheld and desktop computers, calculators, databanks, data collectors and organizers.

* Cellular phones, beepers, and other communication devices are not permitted.

* Radios, compact disc players, etc. are not permitted.

If you have a questions on what is not permitted, please contact the board office.

	October 1998		April 1999	
	Alabama	National	Alabama	National
FE Exams				
All Candidates				
Number Taking	365	15,798	526	22,585
% Passing	61%	61%	62%	66%
ABET Graduates				
Number Taking	336	12,039	490	18,111
% Passing	63%	68%	65%	72%
PE Exams				
All Candidates				
Number Taking	214	12,782	165	13,432
% Passing	51%	41%	47%	51%
LS Exams				
Fundamentals of LS				
Number Taking	29	1,215	20	1,533
% Passing	66%	55%	70%	58%
Principles and Practice of LS				
Number Taking	22	776	25	956
% Passing	59%	58%	52%	62%
	10/98	02/99	04/99	08/99
AL Stand., History & Law				
Number Taking	21	5	16	6
% Passing	86%	80%	56%	83%

Licensing by Discipline - Yes or No?

The Board has been requested by various individuals and societies to consider the possibility of licensing by discipline. The requests include the separate licensing of structural engineers from the remaining professional engineers and the licensing by all disciplines.

The Board realizes there are many issues to consider on this subject, both pro and con, and has approved the formation of a study group made up of board members and licensees from the major societies to look at all aspects of this discussion. The formation of this study group is to study the problem and **not** a decision to implement changes in the current licensing procedure. It is only an initial look at the subject. It is expected that the first meeting of this working group will be in early 2000.

If you have comments regarding this issue, please forward them to the board office.

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Engineering and Land Surveying Technical Advisors

The Board has a viable program of Engineering and Land Surveyor Technical Advisors who have volunteered their professional expertise to review plans, surveys, etc. that are the subjects of complaints. These advisors determine whether technical and professional standards have been met.

There are currently nineteen land surveying advisors, six of whom serve at any one time on a rotating basis. There are currently fourteen active engineering advisors in various disciplines.

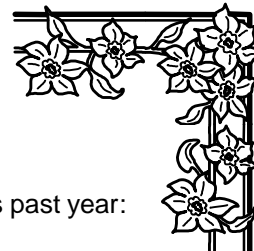
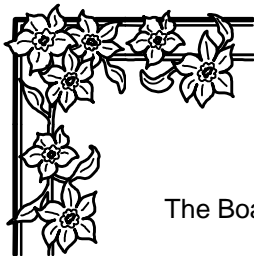
The Board welcomes volunteers to this program. If you are interested in volunteering as a technical advisor, please write the board office and furnish a statement detailing your land surveying and/or your engineering experience and your areas of technical expertise. Candidates selected to be advisors will be oriented to the procedures the Board uses in working with Technical Advisors.

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Experience Verifications for Licensure

Question: I have been diagnosed with a terminal illness, how can I verify my employee's experience prior to them filing an application?

Answer: The Board office has received various forms of the question on how to document experience. If you want to verify experience on an ongoing basis, here is one suggestion. On a quarterly basis complete an experience verification form, place the completed form in an envelope that is addressed to the board office, seal the envelope, and sign across the seal. Then keep the envelope in a safe place. At the end of the next quarter complete a new verification form that is inclusive of all the time that you want to verify. This way you only have one verification form on file. If anything should happen to you, your employees have their experience verified. Please do not send the Board office the experience forms prior to the actual filing of an application.



In Memory Of

The Board has received notice of the deaths of the following licensees during this past year:

Professional Engineer

Hugh B. Morrow	2255
William T. Dumas, Jr.	2974
Joseph W. Coffman	3858
Richard L. Hahn	4361
John M. Schnetzler	4380
Arthur L. Piepmeier	4505
Max W. Hall	4637
William H. Hays	5219
Robert B. Knox, Jr.	5869
Holt Rast	6100
Gordon Morrow, Sr.	6810
Calvin E. Cox, Jr.	6981
George S. Lawson	7503
Robert C. Tulis	8326
Howard W. Luton	8736
Joe B. Essary	8801
M. G. Rekoft, Jr.	9955
Edwin M. Carter	11106

Gregory P. Meyers	12309
Bennie G. Self	12716
Werner Fiebel	13484
T. C. Kanellopoulos	14676
David L. Simmons	14688
Attiah M. Sabry	14825
Robert A. Hubbard	15103
Warren D. Shiver	15696
Howard E. Comer, Jr.	15975
Ashok K. Singh	16302
Mark T. Ledford	22376

Professional Engineer & Land Surveyor

John D. O'Connor	2351
H. F. Guin, Jr.	2597
Eugene R. Lucas	4280

Engineer Intern

Hugh M. Campbell, Jr.	ET 10999
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Professional Land Surveyor

J. B. Carlton	1179
Sydney K. Alexander	2268
Paul G. Stough	4086
Dan C. Royal	4919
Jimmy A. Gay	8759

Alabama Board of Licensure for
Professional Engineers & Land Surveyors
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